Table 3. Draft Aquifer Exemption Record of Decision Specific Comments

No.	Draft AE ROD		Fact Sheet		Type	Comment and Requested Modification
	Page	Section	Page	Section		
E4	5	Regulatory Criteria for AE Request	---	---	T	In the last paragraph, 2nd sentence, Powertech requests correcting a typographical error as follows: "As described in the September 20112012 memorandum." This requested change also applies to the footnote: Technical Memorandum to J. Mays, R. Blubaugh - Powertech Uranium, from: Hal Demuth – Petrotek "Calculation of the Proposed Aquifer Exemption Distance beyond the Monitor Ring: Dewey-Burdock ISR Uranium Project, South Dakota" September 12, 20112012, included as Appendix M of the Class III Permit Application.
E6	8 12-15	Fig. 3 Flow Rates Used in the Capture Zone Equation	30	4.2.1	C	Powertech disagrees with the identification of Well 41 as a drinking water well (e.g., in Figure 3 and Table 3). As described in comment #60 in Table 1, Well 41 is a stock watering well at an uninhabitable residence that has not been inhabited for 30 years or more. Powertech requests removing this well from the capture zone analysis and Figure 3 in the draft Aquifer Exemption ROD.
E7	15	40 CFR § 146.4(b)(1)	---	---	C	Powertech requests updating the reference on the commercial producibility of uranium to the most recent (2015) preliminary economic assessment for the Dewey-Burdock Project (Exhibit 026).
E8	20-21	Vertical confinement	22	3.4.2	I	Powertech requests clarifying the statement at the bottom of the page that "there is a hydraulic connection between the Fall River Formation and the Chilson Sandstone that would call into question the integrity of the Fuson Shale as an upper confining zone to the Chilson Sandstone". Specifically, Powertech requests clarifying that this statement only applies to an isolated area. As currently written, the statement could be construed as indicating a general hydraulic connection across the permit area. That is inconsistent with page 22 of the Fact Sheet, which states: The EPA has reviewed the information that Powertech provided in the Permit Application and has determined that evidence indicates that except for the northeast corner of Section 1, T7S, R1E, the Fuson member of the Lakota formation is a continuous confining zone underlying the Fall River injection interval and overlying the Chilson Sandstone injection interval throughout the Dewey-Burdock Permit Area.
E13 – New Comment	9	Figure 5. Map of the nineteen private drinking water wells			T	Powertech suggests replacing this figure or improving the image so that the well numbers are readable. Further, Powertech requests adding items not

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		located within approximately 2 km (1.2 miles) of the Dewey-Burdock Project Boundary.				currently identified in the legend, including wells screened in the Inyan Kara and Unkpapa aquifers.
E14 – New Comment	10	Regulatory Criteria under which the exemption is approved				The statement is made that EPA cannot make a definitive determination that well 16 does not currently supply Inyan Kara groundwater for use as drinking water for human consumption. Therefore, the EPA is seeking input on the following three options regarding the AE in the area of well 16. Powertech believes that as written option three provides a reasonable and suitable approach to address well 16.
E15- New Comment	19	Project Timetable			C	The proposed timetable for project development is shown in Figure 8. Powertech anticipates that the Dewey-Burdock uranium ore deposits will be commercially producible for ~~nine~~ eight years. Powertech requests revising the text for consistency with the 8 years of production shown in Figure 8.
E16 - New Comment	20	Ensuring Protection of Adjacent USDWs			C	After groundwater restoration is completed for a wellfield, Powertech must conduct stability monitoring to determine that restored concentrations of ISR contaminants are chemically stable and will not rebound or increase in concentration over time. The NRC license requires that stability monitoring be conducted until the data show that the ISR contaminant concentrations for the most recent four consecutive quarters indicate no statistically significant increasing trend. If a constituent does not meet the stability criteria, Powertech must take appropriate actions to remedy the situation. Potential actions may include extending the stability monitoring period or returning the wellfield to a previous phase of active restoration until Powertech can demonstrate the chemical instability issue is resolved. If the analytical results from the stability period continue to meet the NRC license Commission Approved Background, MCLs, or ACLs and meet the stability criteria, Powertech will submit supporting documentation to the NRC showing that the restoration parameters have remained at or below the restoration standards and request that the wellfield be declared restored.

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						Powertech requests adding "MCLs, or ACLs," since these are alternate standards for groundwater restoration.
E17-New Comment	22-25 of previous draft				C	It appears that all of the information that was on pp. 22-25 of the first draft ROD has been inadvertently omitted from the second draft, including the last two paragraphs under Vertical Confinement and entire sections on Lateral Confinement, Monitoring Requirements, A perimeter monitoring well ring, Operational groundwater monitoring, Monitoring within the wellfield during groundwater restoration, A groundwater stability monitoring period after restoration, Post-restoration groundwater monitoring, and Other Considerations. Powertech requests including this information in the final ROD based on what remains applicable.

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